

STAFFORD COUNTY PLANNING COMMISSION MINUTES

February 1, 2012

The meeting of the Stafford County Planning Commission of Wednesday, February 1, 2012, was called to order at 6:40 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hiron, Apicella, Boswell, Hazard, Howard (late) and Schwartz

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Blackburn, Hornung, Knighting, Magwood and Zuraf

Mrs. Hazard: So, we have six of our seven to start the meeting and we have a quorum.

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Thank you, Mrs. Hazard. Are there any declarations for disqualification for any items on the agenda this evening? Hearing none we will proceed, the first item is under unfinished business, the CUP, Conditional Use Permit, under Carter's Crossing Wawa, Mr. Harvey.

UNFINISHED BUSINESS

1. CUP1100266; Conditional Use Permit - Carter's Crossing Wawa - A request for a Conditional Use Permit to allow motor vehicle fuel sales in a B-2, Urban Commercial Zoning and within the Highway Corridor Overlay Zoning District, and a convenience store within the Highway Corridor Overlay Zoning District on Assessor's Parcels 45-25A and 45T-1 (portion), consisting of 1.64 acres located on the north side of Warrenton Road and west side of South Gateway Drive within the George Washington Election District. **(Time Limit: April 17, 2012) (History - Deferred at January 18, 2012 meeting to February 1, 2012)**

Mr. Harvey: Thank you Mr. Chairman. Mr. Zuraf will give the Planning Commission an update from your last meeting.

Mr. Rhodes: Thank you very much, Mr. Zuraf.

Mr. Zuraf: Good evening.

Mr. Rhodes: Good evening.

Mr. Zuraf: Mike Zuraf, Principal Planner with the Planning and Zoning Department. This item was at your last meeting on January 18th where a public hearing was conducted for Conditional Use Permits for the Wawa convenience store on Warrenton Road. And at the time the Commission voted to defer action on the item, at the meeting there were several requests for additional information as well as changes on the proposed condition. And we kind of laid out in the memorandum of the issues that were raised and responses, now you did tonight receive a few additional items in response to some of the issues, so I will kind of try to run you through all those things. The first issue was the desire to get the official response from VDOT regarding the traffic impact analysis. We did receive that today, and

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provided those comments to you tonight and generally the TIA comments point out three issues that VDOT has with the study. Those include stating that the trip generation rate that was used was, they believe understated, and they recommended some different trip generation codes out of the guidelines that are used. And that they believe would be more similar to a Wawa store, and so they've brought that comment. Also the second item was noting that there were some differing peak hour factors within the study between a synchro analysis model and some of the traffic counts that were used. And then also noting that the impact on the delay as a result of a higher trip generation rate, might be a little more excessive specifically on Southern Gateway Drive on the left turn movements out onto 17. So they recommended these modifications to the study. You did also receive... we provided... sent that... those comments down to the applicant and they did provide a quick response to those comments from VDOT. And they are here so they can address their memorandum to you, so we do have that. The second issue, there was a desire to get a better understanding of the 60 foot pylon sign that is existing. That was an older sign that is now being used by the tenants of the adjacent commercial retail center. And the applicant was going to be working on contacting those current tenants to see about the likelihood of maybe removing that sign and constructing a lower profile sign. They do have more information on that tonight and they actually also submitted another memorandum that includes some proposed additional conditions that address that. In the three page memo dated today, addressed to me and their new conditions that they are recommending are conditions 11 through 13, in that draft document. In that document that they provided to us that we provided to you tonight, so they also will be able to kind of talk about that as well and what they are proposing and what they have learned from talking to their tenants. The third issue was dealing with the general concern with the traffic flow and how the vehicles access the site. There is some specific concern with vehicles using South Gateway Drive and making a U-turn to enter the site. We did...staff did recommend a condition about adding signage on Route 17 to direct people straight through the Southern Gateway intersection to then proceed to the entrance off of 17, that's known as Jones Lane. So, we did recommend that condition. There was some follow up correspondence from the Commission with some...asking for staff thoughts on the idea of prohibiting the U-turn movements or even making the entrance on South Gateway Drive as an exit only, and we did...staff did provide response to that. I think we provided that to you all, we express some comments on the No U-turn and limited access thoughts and then we did provide some suggestions for additional conditions for you to consider. We also did reach out to VDOT and they did contact us today on...and provided staff some thoughts as well on those ideas. They felt that the U-turn there at...that goes into Target, they believe that it functions okay and they don't see a concern or a traffic safety concern with keeping that as a U-turn and they did also comment on the exit only proposal on southern Gateway, their concern was that would further, I guess...if you close off the access at that point it would basically, anybody wouldn't want to go to Wawa or those retail locations would need to proceed down to the intersection of Route 17 and would add traffic at that intersection so they've felt that was less than desirable. I think they wanted to...their goal is to kind of lighten the amount of traffic at the signalized intersections and that would not help because people would have to go out to 17 then get on 17 and turn into Jones Lane, and the same thing with if you had No U-turn people would have to you know...proceeding straight through and definitely having to proceed straight through also adds more traffic right at the interchange, so those are their comments.

Mr. Hirons: Mike if I could...or Mr. Chair if I could ask a question there?

Mr. Rhodes: Yes, please.

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Mr. Hirons: Were their comments, would you characterize VDOT's comments straight up of, you know, a No U-turn is not wanted there or not needed or did they give any sort of caveats or?

Mr. Zuraf: They suggested that the U-turn should be left to see how it should...how it functions and if they see that is becomes problematic they can always add that no...that restriction at a later date.

Mr. Hirons: We were talking in the office today actually and at one point there was a No U-turn sign, this might be a...actually be a question for the applicant?

Mr. Zuraf: Right.

Mr. Hirons: There was a No U-turn sign there at that little corner and then it was removed at one point. VDOT didn't address that at all...

Mr. Zuraf: No it was...

Mr. Hirons: ...if that was tried before anything? My kind of initial thought was, well maybe the street wasn't under VDOT control then you know was still the developer and maybe they had it up for some reason and VDOT said, "Well it's not needed."

Mr. Zuraf: Yes, I'm not familiar with...of how that happened and the situation, the applicant might be more familiar with that.

Mr. Hirons: Okay, thanks.

Mr. Rhodes: Other questions of staff? Okay.

Mr. Zuraf: Okay, we had some other...we did also bring some images that might help if you want to...

Mr. Rhodes: Please.

Mr. Zuraf: ...get into the issues some more to show the overall traffic flow. So can we transfer over to the computer please.

Mr. Rhodes: Don't do that to her. Hit them all Denise.

Mr. Zuraf: Okay, so we have several images that can provide you some different viewpoints, but all overhead shots. This shows the site in this location and you have the two access points off of South Gateway Drive and this one off of 17, Jones Lane. It zooms in a little bit closer and I think there were questions about whether movement would be allowed straight through the intersection. The far right lane is a Right Only lane as far as it is...that is striped that way and the signal I believe shows it as an arrow for turning right only, so somebody could if they were making an illegal move...movement, could go straight through the intersection and continue on but otherwise they would from the far right thru lane can go from that lane and easily transition over to the turn...the Right Turn Only lane and go into Jones Lane.

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Mr. Rhodes: Okay.

Mr. Zuraf: And...so that's kind of what we have for that. There's some other images that show the lanes a little closer...in the overhead. So...and the applicant has some other images that are, you know, of actual photos of the area and what you see on the ground, so...

Mr. Rhodes: Okay.

Mr. Zuraf: ...that might help a little more. Issue four, the General Development Plan and elevations were revised at the last meeting. We modified the proposed conditions to reflect the latest plan and elevations. Those were conditions two and three. Issue five, the signage, the Commission requested Condition 8 be modified to delete the term excessive advertising signage. We did that, after doing that at the County Attorney's office they expressed a little concern about, well that basically you take away that, you know, that restriction or any standards at all, so we were kind of asked to look at some additional...some other language that might by some sort of standards on the signage and we do have some modified language if you'd like to look at that.

Mr. Rhodes: Yes, please.

Mr. Zuraf: Okay. Do you have that handout?

Mr. Rhodes: Well, the concern was I think just that excessive is hard to define...

Mr. Zuraf: Right.

Mr. Rhodes: Now you've...but the attempt there was to do some control over not the monument type signs, but the other portable or temporary...

Mr. Zuraf: Right, right we...

Mr. Rhodes: or you know the little standing sign so.

Mr. Zuraf: ...added some more standards that might be a little more specific.

Mr. Rhodes: Thank you.

Mr. Zuraf: And the additional new language reads "New signage shall be limited to the following business signs as permitted in the Zoning Ordinance"; those are basically the sign...the monument signs that advertise the business. Replacement of the existing pylon general advertising sign in accordance with the Zoning Ordinance except the highest shall not exceed twelve in height; shall be monument style; window signs covering no more than 25 percent of the window area; directional signs; and no more than one temporary sales sign per public street frontage so.

Mr. Rhodes: Yes, any comments from the Commission?

Mr. Apicella: Can you...I'm sorry. Can you go back one slide? Okay, one more slide. The property that's right behind the strip mall, who owns that?

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Mr. Zuraf: This property here?

Mr. Apicella: Yes.

Mr. Zuraf: Yes, this is the Target property.

Mr. Apicella: So, it's owned by Target? It's owned by the applicant?

Mr. Zuraf: I'm not certain the specific owner, if it's owned by the applicant or...and leased by Target or if its Target basically owns that I think...

Mr. Harvey: It's...

Mr. Zuraf: ...the applicant probably knows.

Mr. Harvey: He's indicating that it's owned by the applicant.

Mr. Zuraf: Okay.

Mr. Harvey: Also, the wooded area that you see generally right there Mr. Apicella, that is part of a Resource Protection Area. There's a stream that runs through that area.

Mr. Apicella: Okay. Can you just kind of help me out, what's happening on the ground now? Somebody's turning into...onto Southern Gateway and they want to go either to the...that strip mall or to the parking lot to the south of the Target. Where are they...how are they accessing those two areas?

Mr. Zuraf: To access Target, you can either go onto this...left turn lane and go into the parking lot right here, which basically is a drive aisle that goes along the frontage of the building or they can continue straight on this Southern Gateway, which basically loops around the parking area and there are other entrances further around...off the screen. So, that would get you to generally the Target area and the businesses.

Mr. Apicella: Now, how about the strip mall?

Mr. Zuraf: To access that people would come in and get into this left turn lane and do a U-turn and double back and turn right into this entrance.

Mr. Apicella: Okay, and the other obvious way to get there is via Jones?

Mr. Zuraf: Yes, by proceeding straight through the intersection and turning right onto Jones.

Mr. Apicella: Okay. Now, I live up in central Stafford, not far from here. I go to the Wawa at Aquia. It really has one access point to that Wawa. I don't know if it has a street name or not, but it's not too dissimilar from Jones as it exists here on this photograph. So, I'm still trying to understand why that could not be the primary access point, both to the Wawa and to that strip mall, given that other Wawas have similar set ups, at least the one that I frequent...

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Mr. Zuraf: One thing...

Mr. Apicella: I realize it would put more people on 17. Not for that much space, I mean what is it 500 feet? Thousand feet?

Mr. Zuraf: Right. Well, this as I mentioned. This entrance does serve more than just the Wawa, so yes...you know including these businesses and the hotel. It does provide access back to that. So, yes if...

Mr. Apicella: But so does Jones, right?

Mr. Zuraf: Yes, Jones does...

Mr. Apicella: Jones can also access those...

Mr. Zuraf: Right.

Mr. Apicella: ...same areas?

Mr. Zuraf: Right, right.

Mr. Harvey: Mr. Apicella, I think I'm familiar with the Wawa that you're referring to. If it's the one across from the Post Office...

Mr. Apicella: Yes.

Mr. Harvey: ...it's similar as you say. The one significant difference is that the Wawa...that road has a traffic signal, so the entrance to Jones Lane doesn't, so that's part of the difference I guess between the two and you're doing a comparison. Traffic signal allows them to better regulate how traffic is flowing in and out, and allows for left turns whereas Jones Lane doesn't right now. So, I'm sure that's one reason why the applicant's interested in having that access out to South Gateway Drive so they have access for the signal on potential left turns to head east on Route 17.

Mr. Apicella: Okay. I appreciate that. Can...so I ask the question via e-mail and so what I'm understanding you to say is at best signage may be the only solution based on both staff's recommendations and VDOT'S recommendation, in terms of trying to mitigate any potential accidents on Southern Gateway?

Mr. Zuraf: Yes, and there also...the applicant also... and talking to them before the meeting they are proposing additional, I guess painting of the...to turn movements on the...on Route 17. So, adding additional right turn only movements, that may help a little bit more as well.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Any other questions for staff? Dr. Schwartz.

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Dr. Schwartz: I have one comment. When you turn right onto South Gateway you can make a quick right-hand turn to head towards the McDonalds. There's a thin piece of property there in between 17 and that road that leads to McDonalds that's completely useless land, you can do nothing with it. Why can't we add an additional right-hand turn lane on that piece of property and make that the right-hand turn lane and what is now the illegal... go ahead straight... make that the go ahead straight lane. So, basically they have the same setup as you're coming off the interstate at Central Park, where it's a...it's a double exit off of the interstate but there's a right-hand turn and a straight ahead turn...

Mr. Zuraf: Right.

Dr. Schwartz: ...if you wanna go to Chipotle.

Mr. Zuraf: I guess we'd have to look to see where the signals are and as far as what kind of easements there might...I know there's kind of...it's all unusable area, but I guess we'd have to look to see where the traffic signals are.

Dr. Schwartz: If you go back to your picture you can see it very easily.

Mr. Zuraf: Okay.

Dr. Schwartz: You've got to zoom in. Right there, you can see where the traffic base is. By adding another, your shoulder's going to be most of the base once you make the right-hand turn, you clear that traffic base...that traffic light signal base, and you would eliminate a lot of the problem. You can't do anything with that land in between the road that leads to McDonalds.

Mr. Zuraf: Yes.

Dr. Schwartz: That and also in driving last night, granted I had a drink and...a nonalcoholic drink and one hand, but coming out of Jones Lane. Why does that road bear to the left coming out of there? I mean if you're going to bring...if you're going to bring in your fuel trucks, are you going to use that turn? That should be a whole heck of a lot wider than it is.

Mr. Zuraf: Why is it...you're talking about the...

Dr. Schwartz: Jones Lane and 17. As Jones Lane approaches 17 it bears to the left to create a nice little landscape area there.

Mr. Zuraf: Right, right.

Dr. Schwartz: And if that could be widened, I think you'd probably be...

Mr. Zuraf: That was likely done to account for the existing conditions of this gas station and needing to have certain...you know to meet certain VDOT's standards as far...standards for circumference of this curb and gutter, but I may have to defer to the applicant on that.

Dr. Schwartz: But if...you know if they're lining up five or six deep to get out of there, which on my way here the Wawa at 610 at the interstate, they were lined up eight deep, so I wasn't able to go in and

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get my coffee. If you're lining up to get out of that, Jones Lane and all of a sudden comes a 18 wheeler with...fully loaded with fuel trying to make a right-hand turn into the complex, now you've created a visual barrier and a backup and everything else. If that can be widened that would make a lot of sense.

Mr. Zuraf: I believe there's a site plan process. The...typically the engineer will need to design the access way with...to meet certain standards so trucks...so fuel delivery trucks can access the site safely and I don't know I guess you may defer to them to explain how that's done further, but I would have to defer to the applicant to explain how they've...how they do account for that.

Dr. Schwartz: Well, that's how they said last time how they were going to bring the fuel truck in.

Mr. Zuraf: Right, right. I would have to defer how they believe that, that truck can maneuver through that area and still avoid other oncoming cars.

Mr. Rhodes: Other questions for staff? Mr. Boswell.

Mr. Boswell: I only have one. Can someone explain to me, I'm a little new here, is to why we're getting a VDOT Traffic Impact Analysis the night of the second Planning Commission meeting on this project and isn't there one done during the project?

Mr. Zuraf: Yes, it was done and submitted with the application. It, and it was sent to VDOT, it is a study that is tied to...there's different levels of traffic impact assessments...studies that meet a higher threshold than it's...and generate more traffic there. Theirs determined to fall under VDOT traffic study requirements, and so they're required by VDOT they have a set standard day...number of days where they have to return comments. This traffic study falls under a lower threshold, it doesn't...it's not a requirement of VDOT, it's more of a County requirement, so it does go to VDOT still as a courtesy and so they do sometimes, those traffic studies, their comments...they will tend to as far as getting responses, they sometimes lag behind the studies that meet the 527...VDOT 527 Requirements, and have those set time limits associated with them, so.

Mr. Boswell: It just appears that VDOT and the Silver Companies are disagreeing on each other's analysis. I'm just wondering whose going to sort that out?

Mr. Zuraf: Well they've...

Mr. Boswell: I can't do it tonight reading this myself...

Mr. Zuraf: Right...right.

Mr. Boswell: But I was just curious.

Mr. Zuraf: Well, VDOT's provided their suggestions and now it's, I guess you know...the question is, does the Commission wait for the study to amended or you know it's...

Mr. Rhodes: What were the traffic counts proposed with the site? Is that it? 1,953? 1,953...okay. I see it on page 13 of the last staff report from the 18th, it's 1,953. Okay.

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Mr. Zuraf: Yes, vehicles per day.

Mr. Rhodes: Okay.

Mr. Apicella: Mr. Chairman.

Mr. Rhodes: Yes, Mr. Apicella.

Mr. Apicella: Mr. Boswell makes a good point. We received the comments from VDOT today. It says one thing; we've got response from the applicant that says something I would say completely different. What is the normal process for adjudicating this kind of a situation where we have two significantly different views of the factors that should be utilized for this specific situation?

Mr. Zuraf: I would suggest if the Commission is concerned about the differences there and are interested in seeing what the...you know suggestions from VDOT might result in that it may be good to recommend seeing those modifications in the study...

Mr. Rhodes: I know we're going to hear from the applicant, but what was your reaction to the comments back from the applicant on this that we got today?

Mr. Zuraf: I actually was just getting it.

Mr. Rhodes: Got you.

Mr. Zuraf: I received it just before the meeting and...

Mr. Rhodes: Okay.

Mr. Zuraf: ...have not reviewed it yet.

Mr. Rhodes: Alright, well we'll hear from the applicant in a moment on this one.

Mrs. Hazard: I have one more.

Mr. Zuraf: Okay.

Mr. Rhodes: Yes, Mrs. Hazard.

Mrs. Hazard: Believe it or not Mike your first question a while ago was about what we thought about the modification to condition number 8, the information you gave us about the signage of whether we had any comments, so believe it or not I actually was going to respond to your question. The...I understand how the...that the legal office wants to make sure there's some kind of standards in there. Would there be any suggestion or a possible suggestion of saying something along the line of, "In accordance or in keeping with the goal of limiting distracting visual clutter in the HCOD." I mean that just pulled from the HCOD language and then the rest of it goes, you know, could follow along, at least it's giving some kind of reference to distracting visual clutter. I don't know if that's better than

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excessive, but at least it would potentially put your HCOD standards in that potential standard. I don't think that would be very difficult for the applicant, but I mean I would certainly defer to them, but I was just trying to say then we're pulling in something from the current regulations. It might...that might satisfy and I of course defer to Rysheda in case she has...or Ms. McClendon on whether that helps in that way, but that's just a thought I had about...

Mr. Zuraf: Well it's...

Mrs. Hazard: ...about your question.

Mr. Zuraf: It's a condition that...it's a statement that kind of sets the overall purpose and as a preamble.

Mr. Rhodes: Okay. Any other questions for staff? Were there other points to present Mr. Zuraf?

Mr. Zuraf: I think we had it. There was maybe one more...was the issue about the... recommending the berm and shrubs to further minimize visual impacts and we provide another proposed condition on that. That's condition...

Mr. Rhodes: Okay.

Mr. Zuraf: I'm sure...not certain what's, what condition that was but it was...added in.

Mr. Rhodes: Number 11.

Mr. Zuraf: Yes.

Mr. Rhodes: Okay.

Mr. Hirons: Mr. Chairman.

Mr. Rhodes: Yes, Mr. Hirons.

Mr. Hirons: Did we...what number was it? Did you...

Mr. Rhodes: Number 11, they added number 11 there, to the maximum extent practical.

Mr. Zuraf: Yes.

Mr. Rhodes: And the staff's...staffs' proposed.

Mr. Hirons: Okay because my concern with that, with the added berm, shrubbery, etc. That wouldn't change the sidewalk at all, would it?

Mr. Zuraf: Sidewalks still going to be required so that...

Mr. Hirons: Still required so same size and everything through there...

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Mr. Zuraf: That through there, it's got to meet certain, yes, minimal standards and...

Mr. Hirons: Okay.

Mr. Zuraf: ...it, actually on that sidewalk, will likely, you know, it could affect limiting the ultimate height of that berm because I know there's limited open space in that location.

Mr. Hirons: Yes, because I...it made me think of that yesterday afternoon getting my lunch. There was a little old lady crossing the street in front of me right there at Southern Gateway trying...she fortunately wasn't going across 17, she was going across Southern Gateway. I don't know if she was heading towards McDonalds or what but...

Mr. Zuraf: Yes.

Mr. Hirons: I just thought, boy that...make sure that sidewalk stays intact...planned sidewalk because there's nothing there now so...

Mr. Zuraf: Right...right.

Mr. Hirons: ...at least that's an improvement.

Mr. Zuraf: Yes.

Mr. Rhodes: Okay. The applicant please.

Mr. Hornung: Good evening

Mr. Rhodes: Good evening.

Mr. Hornung: My name is Chris Hornung, Vice President of Planning and Engineering for the Silver Companies. I have the slides from last time just in case we need to go back through that but I have some new ones I wanted to show you to specifically address some of your traffic concerns from the last meeting which we've spent the last two weeks working on. I wanted to start with the response from VDOT. Mr. Apicella, you said that, significant variances, we don't believe there are significant variances between the two. We don't agree with VDOT's request to use the code that they're asking, but even if we did use their code we believe that the difference in the traffic would be minimal, that it's very small in the grand scheme of things. We got it at 2:11 today, we could of rerun that in probably a few hours, didn't have time to do it, but we don't agree with VDOT's conclusions and the engineer who has done this has been doing traffic studies for many years and the codes that he uses are the standard codes that VDOT uses all over Northern Virginia, so from our position you know if the Commission didn't feel comfortable and wanted to table it, we understand that. We would prefer it to move on. We don't think that those numbers generate enough to really be of significance. I wanted to point out that in the letter, VDOT did mention that this project and this TIA were not subject to their guidelines anyway. It's not...this project doesn't meet the thresholds to go through the normal VDOT TIA review which is why it didn't go through the first time. We submitted it in July, didn't get any comments, didn't get any comments from the County or from VDOT and it wasn't until your meeting

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where it was asked have we heard from VDOT that VDOT then did a review in response to your request, so that's why you haven't...you didn't get any responses because it didn't really...it didn't meet the threshold s for a VDOT review. The process for going back and forth with VDOT, I will be completely blunt with you. It could take in scheduling meetings with the VDOT Traffic Reviewers, going over the study, revising the study, resubmitting it, having VDOT look at it could take a month...month and a half. VDOT does not run their own study. This is entirely our study that they're commenting on, so they're not dueling studies. It's their comments on the study that we submitted and that's what you have in front of you, are their comments and our responses from our traffic engineer. Even if we use the higher ITE Code, what we also have done is we've only assumed that 25 percent of the trips coming to Wawa are existing trips that would have been on 17 anyway. We believe that's very conservative. We think that probably over half of them are people who are going to be on 17 anyway. If you take the higher ITE Code and that adds 25 percent more traffic and you look at what a realistic reduction in traffic should be, we use 25 percent because that's sort of a standard, but the reality is we think that the argument can be made that it should be much more than that, which would completely negate any change in the ITE Code numbers. So, we, that basically, it's going to be the exact same results that you're going to see. Any additional traffic on that pad is going to add delay at that intersection. It's impossible to put something there and not add a delay. I'll show you in a minute a slide that shows by-right uses versus the Wawa and I think you will see that many by-right uses, that two in particular, by-right uses would generate more traffic than Wawa without the Conditional Use Permit, without the traffic study all based on what's there today. Do you have this...is this up? What do I do? How do I...?

Mr. Zuraf: Ask for the computer.

Mr. Hornung: Can I have the computer please. Thank you.

Mrs. Hazard: Mr. Chairman, can I ask a quick question?

Mr. Rhodes: Yes, Mrs. Hazard.

Mrs. Hazard: And I'm sorry, probably Mr. Hornung, this may not actually be the question to you, it may end up being to Mr. Harvey but because you're standing there and before we get too far along and I'm sorry not...myself to know the answer. The TIA in this particular case is not subject to their regulations, can someone explain to me why? This is in a Highway Corridor Overlay District, and I guess it's not based on the district but the point of that particular...and I hate to keep going back to it, but it says the reason they're worried about it is because there is going to be more traffic. So, I guess I'm just trying to understand so, I'm sorry you have to educate me but I couldn't figure it out.

Mr. Harvey: Yes, Mrs. Hazard. The VDOT standard for a 527 Review has a relatively high threshold as to what traffic volumes per day or per peak hour will require a formal analysis. A 527 Review typically involves analysis of the immediate intersection near the property and it goes far out as two miles. It involves a scoping study with VDOT, the applicant, and the County. In the case of situations like our local Ordinance we have a lower threshold than VDOT does, so we still require them, to do a Traffic Impact Analysis, which tends to be more focused on the intersection it's immediately affecting, and we've asked VDOT for their commentary on that to help us formulate the conditions.

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Mrs. Hazard: So, if I understand it correctly. It's only going to be the new trips potentially generated by the new use that would trigger it, not how many gazillion cars go through that intersection on a daily, monthly basis. Is that correct?

Mr. Harvey: That is correct.

Mrs. Hazard: So, there's also no way to look at that in a way of saying the people using potentially Jones Lane are going to be, a Wawa, a hotel, a Subway, a Verizon...I can't...a Med First, I don't remember what's in there. There's no way that that's captured in the TIA.

Mr. Harvey: That normally is captured in the TIA as background traffic.

Mrs. Hazard: Okay.

Mr. Harvey: And then there usually, they'll look at traffic counts along Route 17 and South Gateway Drive and they'll grow them on a per annual basis until the project's complete based on a percentage growth that they've seen historically on that road segment. So, it should incorporate all that information in it.

Mrs. Hazard: That may help you frame where you're going.

Mr. Hornung: This particular traffic site does include...what's included in the trips include that entire center assuming it's built out. The hotel everything that accesses Jones and the other entrance are all shown as entries and exits at the two entrances. So, that is included in the study. Even though there's some space vacant in that multi-tenant building, it was assumed that it was full. Can I have the computer again please? That's a good question. Last time I sort of ran through the history of the site that it used to be two gas stations. Earlier there was a comment brought up about the transportation flow of the project. I thought this may help a little bit better from this view. This is Jones Lane here, I think there was a question about this property in here. Mr. Harvey is correct, that's...we own that property it is all RPA. It would take a fairly significant project to cross it...

Mr. Howard: Cross it...

Mr. Hornung: ...let alone fill it for any kind of a use. The building back here, the entire back of that building is a retaining wall, simply to stay out of it, so the future expansion of that at least from our point of view is relatively limited. We don't envision any feasible...economically feasible solution to ever expand that into that RPA and in fact we've put a restrictive covenant on that property, it doesn't prohibit a future...potential future road crossing but it's also the open space for the project. So, we would be violating the overall 25 percent open space for the project if we had developed that. So, the chances of that becoming developed in the future are pretty slim. I showed the evolution of the site plan, this was the original site plan, this is the new one. Mr. Schwartz, you're correct it does...this road does take a little bit of a bear and I think Mr. Zuraf had it correct. The main reason that was done...that was done with this shopping center. It was done because of the existing entrance the gas station next door could not be impacted and so what basically happened is that the radii...the road had to shifted over so that the radius when you came out didn't extend into the adjacent property owners' entrance. In the future, if that property is redeveloped the road could be straightened out there, but given the limitations of that and grading...constructing on the adjacent owners' property my

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understanding is that's why that was done that way. One solution that could help that situation, this radius here could be increased, which would help with that turning movement. It would certainly help with trucks making that turn and not swinging as far in...or possibly swinging in the other lane, and we'd be more than happy to do that. Typically, that comes up during the TRC with the site plan but if there's anything we need to do as part... as part of this process to say we'll look at that and we'll do it. I think...I don't know what the radius is on there now, but we certainly would be willing to increase that to help that movement. I keep going here...I showed the prototype changes, the changes in the building. One thing I did want to notice, however, wanted to make comment on. This is the front of the building which is facing 17, the bottom is what we're proposing, the top was the original and this is the South Gateway side of the building. One important consideration I'd like to point out is, there is no signage facing you as you're coming and you're heading on Route 17, so there has been a lot of discussion about concerns over people making that first right. I wanted to kind of make the point that when you make...when you come off the interstate there's no, other than the monument sign, there's no building signage, the building is not facing you so the natural tendency is not to have to turn right, right here. You're basically seeing the side of the canopy with no signage and the building signage is actually facing 17, so that's one component that we think will help limit the number of people who try to make that first right instead of going through. The point that you, that Mr. Schwartz you brought up about the right turn lane is an excellent point. I wouldn't be surprised if ultimately that is what happens in that case that...that thru lane continues through in the future, that you have a dedicated right-hand turn. That right-of-way through there is all limited access right-of-way. Changes in that require permits and approvals through the Federal Highway Administration, so it's not...it's well beyond the scope of this project and it also requires the redo of that signal, because if the signal heads where there's a located you have turn balls instead of straight...and the existing arms on the signal are not long enough to make that happen or not...they're not there to support it. So, ultimately I think that is the solution. We're not...we can't simply apply as a site plan to FHWA to modify their right-of-way and the off-ramp from the interstate as part of this project. It would have to be a County or as possibly as part of the 17 widening that has been discussed that...that become a thru lane through that, and that's exactly what happened at Route 3 where that lane when you come off that inside lane goes straight through and the other one turns right. You could also, as another option, provide a smaller right turn lane and simply stripe out the area that...right when you get to the turn, widen the turn and stripe out an area so people would have to drive through like a striped out...now there's a wide shoulder that some people use, and so you would shift the lane to where the shoulder is and the center portion where the drive thru is could be striped out. Again, both of those require FHWA approval, which is I can tell you is a very difficult task to get an approval if you're just simply a land owner who's looking to apply to get a site plan approved, but we would certainly be behind that be willing to provide examples to the County of...and preliminary concepts that could be possibly added to the 17 widening project. Let me go down here. Sorry...this is a picture of the off-ramp, this is what you were talking about here where this could in the future become a straight thru and there would be an additional right and then you'd have to merge once you get through the intersection you could start your merge. That would work...it's just a matter of getting that approval and having enough distance to make that merge over, but doing that would only improve the length and the distance you have to make that merge, so I think that's a really good idea and something that would make a lot of sense. One of the...last time we were here we talked about the possibility of some directional signage. We went out there and there are currently a number of signs that say right lane must turn right, there's two of them. There's also existing directional. One of the things we added to the proffers to help try to direct people through the intersection is that we would be willing to go to VDOT and attempt to get a straight arrow with Wawa here to try to also encourage people to go straight through rather than

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making that right. Let me go to this here. The other thing that we have in our proposal is, we don't...the number of turn arrows painted on the pavement we think is a little light and we're...we'd like to go to VDOT and ask if we could add more, which will also help that corridor some. This is the Wawa sign we were talking about. The U-turn is...has been a big topic, currently this is a photo of the U-turn area. It has a dedicated channelized left turn movement. The opposing direction is 25 miles an hour and it's a single lane, so there's only one car...I mean one lane that you're looking at and the receiving lane on the other side is three lanes deep. I was out there...I've been out there a couple times since, it's a very easy U-turn and there's little opposing traffic right now, and even if you look at the ultimate case which was this. The peak hour trips are 417 vehicles per hour, that's a pretty light opposing movement to make a U-turn. If it were me I would be trying to encourage as many people as possible to actually make that U-turn versus going through and...going through that signal and possibly, you know, clogging up further this portion of Route 17. That would actually be a movement I would be trying to encourage. VDOT has said that they feel it's safe and that it's operating okay. The question about was there a U-turn sign there or not, there could've been, I don't recall, but if it was removed, it was removed by VDOT because it wasn't necessary or they felt that it was not needed possibly for the reasons I just mentioned. Let me go down here...sorry. This is a chart I wanted to show you really quickly. In our analysis we came up with the peak volume and this includes some reductions for pass-through of 121 vehicles in the peak hour, that's roughly 3.1 percent of the through movement on 17 in the peak hour. There are other uses that could go there, a sit-down restaurant, fast food restaurant, and others that actually according to the ITE Code would generate more traffic in the peak hour than the Wawa would. I simply bring that up because this problem exists whether it's Wawa or it's someone else. We're doing everything we can under the constraints that we have and the site that we have to make that work, but all of that was planned as part of the master development of the understanding we were eliminating two gas stations and we putting in uses that only had two access points that were both right-in/right-outs. The difference between the Wawa is that the question was asked about is that the Wawa's that you mentioned come out at fully intersect...fully signalized intersections, so getting into them and getting out is all done at a signal. In this location, this is probably...if I can I'm...been going through my head of all the Wawa's I know that have better access than this and I don't know of a single one that has worse access than this. This is the most restricted access of any Wawa that I know. If you look at the one at Route 3, you can make a left off of Central Park Boulevard, you can get back out to Route 3, you can make the U-turn, you can get out to the signal it's almost fully signalized. The one at Aquia, you go in and out that's basically use when you come into that road, so you can go in and out with no restrictions to movements. So, anyway I just wanted to point that out that this is a very restricted case and in major intersections this is what VDOT is requiring right-ins/right-outs only on the corners.

Mr. Rhodes: If I could interrupt you for just one moment. I'm sorry...we're at a time in the clock where we need to...I see the vast populous that's here for public comments so this should just take one moment, but it is 7:30, which is the scheduled time that we set aside for public presentations. If should be anyone here...anyone here who's with you that would like to make a public presentation this is an opportunity to do so. Seeing no one from staff nor the applicant coming forward. We will close the public presentations and continue with item number 1. Please thank you for the...

Mr. Hornung: Sure...sorry. Can I get the computer again? So, understanding that we've come back and said we can stripe, we can sign, there are things we can when we think our study is accurate and correct. The one piece of positive news that we have is we believe we can reduce or replace this pylon sign, this 60 foot pylon sign. The tenants that are on there have executed lease agreements on it.

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We've contacted them; we're looking at alternative sign heights and sizes. One of the original discussions we had with the County was that in exchange for bringing that sign down that a sign that could potentially be nonconforming, which would be a second shopping center sign or one that might be taller than what is or otherwise required could be located here. What we've proposed in our condition proffers, this sign would be no higher than 20 feet high, which actually in your B-2 I think the limit is 30 feet and no more than 200 square feet in sign area, which based on the building size for a commercial building we would be allowed 237 under the current Ordinance. I still think this may be considered a either nonconforming sign or a general advertising sign. I think that's part of the reason for the language that you saw and allowing general advertising signs...some level of general advertising sign, but what we are proposing is that subject does being able to work out the legal agreements, which again I'm feeling very positive we can do. We would be willing to take that sign down and replace it with a monument sign. The...let me just check. I think that's just about everything I have. I'm not sure if there was anything I didn't answer, but I'd be happy to answer it. Let me just check this see if I got...no okay never mind.

Mr. Rhodes: Questions for the applicant? Mrs. Hazard.

Mrs. Hazard: Mr. Hornung, can you tell me how long Jones Lane and I mean Jones Lane from the 17 entrance to the back where then it looks like then it dog legs to you know the perfect turn...like about how long that is or and I'm merely not great with feet if you could say like 10 car links or...I'm better at...I mean you could probably tell me that and I'll figure it out.

Mr. Hornung: I'm going to guess about 250 feet. John, you think? 250 feet which standard car is anywhere from 16...

Mrs. Hazard: Yes.

Mr. Hornung: ...15 to 18 feet if you got a big SUV, so you're probably looking at 12...11-12 cars plus.

Mrs. Hazard: I think you're aware, buy and large my biggest concern is the people exiting back onto 17 because of as...Dr. Schwartz mentioned too. It isn't a great viewing station...viewing point to get back on. I am fine with people, you know, on Gateway and stuff, my real heartburn and I guess I can only just describe it as sitting there. If that starts to back up because people can't get out, I go to that Wawa that's up about mile and a half, two miles up 17. Now, I know you can't technically get out of the Wawa and turn back on 17, but you can cut through the little wing place and get out and you sit there for a long time. It truly is easier to just go out at the light I think because you sit there for a while and like this there is lanes that are decreasing funneling you in. There's the apartments there that...I guess that's just my concern there is that exiting of it. I really would prefer people to go out Gateway, but I don't know if that's VDOT...I mean I'm just being upfront with you. That's where my concern is and maybe you can make me feel better about it, but I see that as a potential backup and not great site distance there and I know you said, you know, depending on what happens to the adjoining property that might get better over time, but I'm just wrestling with it.

Mr. Hornung: I'm going to kind of throw out a number which I think is pretty close. Approximately 30 to 35 percent of the signal time is dedicated to the non-thru movement. So, what that entrance allows people to do is when that light turns red on 17 for that 30 percent of the time, those people are

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going to get out. If you come out South Gateway or you come out that entrance at 5:00 in the afternoon when everybody's coming home. I don't think you're making a right at either entrance until the light turns red. So, basically what it does is allows you to, yes, have more cars queuing but it's...that movement is no more dangerous by adding that movement adjacent to it it's not competing with other trips because it essentially...the time you're going to be able to get out during the peak hours is when South Gateway... the light turns red in the north bound direction. When that happens that movement is wide open. So, I'm not sure how else to make you...how else to explain it, but that's basically when the bulk of those exiting in the peak hour, when those...and if you put them all on South Gateway then you're backing up fifteen cars there and the timing gets worst because more people are trying to make that right out at the light and that's delaying the timing of the South Gateway light. You know the whole key to level of service is to minimize the amount of time that, that light is red going in north bound direction, and so if you can get people out from two intersections going north bound...during that same period you're going to get a lot more cars out and going north than you will out of one.

Mrs. Hazard: I guess it was just in one of the various things we were handed tonight. It talked about that traffic area going from E to F and that always gives me great concern so...

Mr. Hornung: I think the second delay went from 77 seconds to 81 seconds. So, the E to F was an E negative...negative...negative to an F plus...plus...plus...plus...plus. It's just the reality...

Mrs. Hazard: Right, I know.

Mr. Hornung: I mean it added the delay but it's...it was right on the limit of an F existing in current.

Mrs. Hazard: Right...sure.

Mr. Hornung: So it's right there.

Mrs. Hazard: I know, any of us who drive through it...well aware. Well, thank I mean I just had to raise it.

Mr. Rhodes: Other questions for the applicant?

Mr. Apicella: Holly...

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: Mrs. Hazard, I thought you had a concern about the types of gas that were being sold at that site.

Mrs. Hazard: I also did raise that in general. Diesel...is diesel being sold there?

Mr. Hornung: I can't speak for Wawa, but I don't know I haven't...I don't know that I've been to a Wawa that sells diesel...maybe you all have.

Mrs. Hazard: Not sure.

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Mr. Hornung: The representative isn't here tonight but I am...

Mrs. Hazard: But I...and I guess it's really sort of the truck limitation. I mean I think several of us are somewhat concerned of an 18 wheeler turning in there is never going to happen. So, I think a five ton truck but I will tell you... I don't have boys I have girls, so I don't really know how big a truck is but make me feel better about that because I don't...I'm just trying to make sure that we aren't funneling our trucks in there at an intersection with a bad turn, but I think some other Commission members have told me what a truck is but I'd love to have it in the public record of sort of what's a five ton truck.

Mr. Hirons: Condition number 6 limits that to five ton gross weight and that's kind of a large utility truck...steak body truck.

Mrs. Hazard: See, I need examples, I'm not good at this.

Mr. Hirons: In the Marine Core we could carry 16 troops in a five ton, I think it was something along those lines...

Mr. Hornung: Think it would be like one of those midsize U-Haul vehicles I guess, not the real short one but the one that's a little bit bigger, I'm assuming but most of those are on all unleaded I believe, so regardless of if it's diesel or not it...

Mrs. Hazard: It was just something...

Mr. Hornung: ...the limitation on the size is probably better than the limitation on diesel in my opinion...for your concern.

Mrs. Hazard: Okay.

Mr. Rhodes: Any other questions for the applicant?

Mr. Hirons: I did.

Mr. Rhodes: Yes, Mr. Hirons.

Mr. Hirons: Mr. Hornung, you started this little presentation tonight with saying something along the lines of most of the traffic that's going to be using this is going to be on...they're going to be on 17 anyway.

Mr. Hornung: Pass-through trips is what that's...calculated that the majority of the trips in the peak hour are people that are heading out north on 17 anyway, and what I was saying was we've used 25 percent in the study would be people that were on there anyway. I believe it's a high...it's going to be a higher percentage in the peak hour because that's when people are going home.

Mr. Hirons: Where does that 25 percent come from? Is that a standard or a...

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Mr. Hornung: It's kind of...it's pretty much a standard number that in the traffic analysis world they use for certain types of retail or commercial uses.

Mr. Hiron: Does it take into account the location? Because last...at the last meeting you said, and I believe you, ever saying from Wawa's, you know, you're marketing to people on 95 to jump off and get their gas.

Mr. Hornung: Yes, the fiscal analysis assumed that 50 percent are new trips coming off of the interstate, so there's your difference 25 to 50. We assume that our fiscal numbers that we were getting 50 percent new trips. The traffic study says it's 75 percent new trips.

Mr. Rhodes: So, their traffic study over stated?

Mr. Hiron: Yes.

Mr. Rhodes: Okay. Other questions for the applicant? Okay, thank you.

Mr. Hiron: I did have one, I'm sorry. Did you have...do you have anyone else interested in this property than a Wawa?

Mr. Hornung: On that particular piece?

Mr. Hiron: Yes....you know I know you had a couple of other you know potential uses that you threw on there you know fast food and restaurant...have any type of...

Mr. Hornung: We did have a drug store interested in that site and then they decided not to move forward with it. We have talked to a couple of restaurants. There is one in particular that is interested in the opposite corner over there by McDonalds that we're hoping to get here and get moving on. We're still trying to negotiate a lease or a sale with them, but other than that no we don't have any other uses that we have been successful in signing leases for that particular sight. We are making some headway in the multi-tenant building behind it, finding some uses to fill up the rest of that building.

Mr. Hiron: Okay. I can hear Mrs. Hazard kind of whispering some conversations we've had. I'll...certainly if a Wawa comes there I'll be probably be stopping to get my coffee but a Starbucks in that area would be wonderful. If I didn't have to go into the Target and I could actually make a U-turn to get my Starbucks, thank you.

Mr. Rhodes: Okay, thank you. Do we have any other questions for staff that have come back up in discussion? Mr. Apicella.

Mr. Apicella: I have a question and I don't know if this is possible but I'll ask it anyhow. Is it possible to put a condition into the documentation that would essentially say that 6 months after the site is up and running that all parties would revisit the traffic issues and look to mitigate any concerns that would have occurred during that period?

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Mr. Zuraf: We could. I guess the concern I have just from, I guess, probably want to be real careful with the wording to make sure you know that we kind of have an idea of what kind of mitigation might help, you know. Otherwise, if it's left too loose then...

Mr. Rhodes: Or words bad...

Mr. Zuraf: ...that'd be tough to enforce. I think we may need to craft something to, you know, make sure that, you know...that is enforceable. (Inaudible) The applicant's saying that they would be willing to revise and relook at the traffic model, the Traffic Impact Assessment, so that's one thing that was offered.

Mr. Apicella: And what would that do?

Mr. Zuraf: Well, that's going to give you level of service information, I guess if the concern is the issue of safety with the U-turn movements for example, then that wouldn't necessarily address that concern.

Mr. Apicella: And that is my concern that what I heard was VDOT did not indicate that they had any concerns but after 6 months there could be several accidents.

Mr. Rhodes: But would that be the County taking that up with VDOT, though, at that point because that's...is that the...I just wonder is that the applicant's area really to address?

Mr. Zuraf: Well, I think the County would probably have to take...

Mr. Rhodes: That's a state road right?

Mr. Zuraf: ...a role in working with VDOT and then if there's any mitigation with, I guess, with their...I guess the question is would there be something that the applicant would be asked to do after that time or if it's a matter of the...like installing the sign of like the...limiting the U-turn restriction, that's something I think would be good to clarify.

Mr. Rhodes: So, that would be something along the lines of should...within a year should the applicant be asked they'd be willing, by VDOT, they would be willing to put a new turn sign or something along those lines is that...

Mr. Apicella: Something to that effect, yes.

Mr. Zuraf: Okay.

Mr. Rhodes: I would think that, that wouldn't be an issue. I can't imagine.

Mr. Rhodes: Okay, good question. Anything else for staff?

Mrs. Hazard: I have one.

Mr. Apicella: You're shaking your head...

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Mr. Zuraf: I just...I guess we have to see it in writing...I guess I need to...I'm just trying to think of how that would be structured and...

Mr. Rhodes: Right. Ms. McClendon's great, she too easily get that...Mrs. Hazard.

Mrs. Hazard: I believe that there was a reference to upcoming changes to 17. I think we just in reference...is that really for it to be further down? I can't keep up with all the 17 stuff or where it is. Is there anything more planned on the books? I don't even know what to call it..

Mr. Zuraf: In...

Mrs. Hazard: ...in that particular area that would have a further impact...even from the applicant's standpoint of going forward because I do agree with Mr. Hirons about...I really don't want any more roadway taken away because if there is a sidewalk there believe me there needs to be one. I'm just trying to make sure we don't create something that then half...part of it gets taken away in some future...17...and I can't remember.

Mr. Zuraf: Yes, there's no additional lane...additional lanes that are proposed in this location. I think if they'll just likely come in and do some repaving and restriping everything to get it to match up with the ultimate continuation of that segment...you know the segment you have now with three thru lanes in each direction of the continuous turn lane that's the...that's going to continue on beyond to the north.

Mrs. Hazard: And I'm sorry it's another eliminated for me. The striping I guess that's...that would be done, I know that has to be in consultation with VDOT. Is that something VDOT does or does the applicant...I'm sorry to ask, applicant doing...does with the striping? Because I will say after a while those things fade...

Mr. Zuraf: Right.

Mrs. Hazard: ...and I would want to make sure the...if that's going to be the main directional way people know how to go that those are, I hate to say updated. I hate using that word, but just somehow that as it fades out someone will come out and restripe it or...

Mr. Zuraf: Once it's done initially by the applicant then I...subsequently it typically would be done by VDOT. I hear it's thermal blasting it's not painting.

Mr. Hornung: Thermal plastic.

Mr. Zuraf: Thermal plastic...okay.

Mr. Hornung: So, it's per VDOT requirements the type of painting...it's not painting it's actually plastic that's embedded in. Most of them are done within VDOT's standards.

Mr. Rhodes: Okay. Any other questions for staff? Dr. Schwartz.

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Dr. Schwartz: With that right turn lane and an additional right turn lane. The applicant was talking this would be great, this would be wonderful years down the road great thinking, we can only get the ball rolling if we get the ball rolling. I mean rather than saying yes sometime down the road that would be wonderful. Can we get the ball rolling?

Mr. Rhodes: Is that a FAMPO?

Mr. Zuraf: It might be something that you can...I may refer to Mr. Harvey on this one as far as how that might work.

Mr. Harvey: As Mr. Hornung indicated that turn lane proposal is within the federal highway right-of-way, which would require going through the VDOT process. I'm not sure if it involves FAMPO as far as a simple turn lane versus a major improvement.

Mr. Rhodes: Right.

Mr. Harvey: I'm not really certain on the process. I could check into that and report back to the Commission to see what would be necessary to make that happen.

Mr. Rhodes: That'd be good enough, thank you. I think this one's in your district Dr. Schwartz.

Dr. Schwartz: And then we just got a lot of the Traffic Impact Analysis dueling traffic impact analysis thrown at us before the meeting. I just want to let this percolate a little bit I think and defer it to the next meeting.

Mr. Rhodes: So, we have...then you would be making a motion to defer this to the next session on February 15th?

Dr. Schwartz: That would be a motion, yes.

Mr. Rhodes: Yes...is there a second?

Mr. Hiron: Second.

Mr. Rhodes: Okay. In discussion any other further comments, Dr. Schwartz?

Dr. Schwartz: I just want to sit down and let this percolate a little bit. I'm looking at one of the handouts tonight where you're showing the Wawa straight ahead sign and then behind that you have the right-hand turn lane only. It's almost at...we're asking the people to violate the right-hand turn lane only and stay in that right-hand turn its...it's just all this fuzzy stuff that...and with the traffic analysis and other things I'd just like to let it soak in a little bit, make it a little bit more clear before we talk about sending it on.

Mr. Rhodes: Okay.

Mr. Hornung: Sure.

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Mr. Rhodes: Mr. Hirons...any comment?

Mr. Hirons: I just...I think part of our motion I'd like to make sure we're clear on any changes to conditions, especially with our...I think our By-law limitation of we're not supposed to take action on new conditions. I'm hoping we'll have all the conditions set in our next package...

Mr. Harvey: Yes we'll...

Mr. Rhodes: And I think...

Mr. Hirons: ...proper action...

Mr. Rhodes: I think that'd be important to make sure we've got that clear for staff, so that we can come back with everything straight, so before we take...just like to confirm in this discussion portion on the motion that as it stands now I think we had the modified proffers...but did...we had one there for the signage which I thought was a good one, very descriptive with...which Mrs. Hazard had mentioned in front of the new sentence to say something along the lines of "And keeping with the tenants of HCOD, to limit visual clutter, new signage shall be limited to..." I think I heard the potential and we could work on the wording for this as something along the lines of "Should VDOT determine a No U-turn sign is required at the," however you describe it "intersection within 12 months of taking beneficial occupancy and if so the applicant will pay for installation of such signage as necessary" or something along that line to address if there we're a concern there subsequent. Yes...the...and then I didn't hear any other further commentary about any of the other modifications, they all seem to be reasonable to all. Is there...and I know that Mike you said you've just seen some of the comments back from the applicant so it does give you an opportunity to look at them should there be any...you can be our judge and arbiter and determine if you there's something that merits any further consideration, and I'm sure you will engage the applicant if that's the case, so that we can try and close out that discussion next time. Are there any other items that are left either unknown by staff or anyone else here that they needed just before we come back next time? Mike.

Mr. Zuraf: The...yes, the comments made by VDOT on the traffic impact assessment, would the Commission want to see a revised version of the traffic study to address some of VDOT's comments?

Mr. Rhodes: I'd certainly leave it to any...my peers here to...for their comment. I would, only if you are concerned once you digest both sets of comments. If it leaves you cause for concern there's enough difference in the traffic factors that are being used and the assumptions that are in there in any other difference that you...I would...personally I'd leave it to staff's discretion if we think we need that, unless anybody else feels very strongly otherwise.

Mr. Harvey: Well, Mr. Chairman.

Mr. Rhodes: Yes.

Mr. Harvey: Staff will forward the information we received tonight and the applicant's response to VDOT for them...for their consideration should they say they still need to see a study. We'll report that back to the Commission.

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Mr. Rhodes: Okay and how...do you have any impression of how long it'd take to do that modified study, if that was necessary? Do you or anyone?

Mr. Zuraf: The applicant stated a week.

Mr. Rhodes: So, if that were the feedback from VDOT you would also share that with the applicant?

Mr. Harvey: Most certainly yes.

Mr. Rhodes: So possibly they could come back with that if that were deemed necessary.

Mr. Zuraf: Right.

Mr. Rhodes: Okay. Are there any other open items Mike that you left out of the discussions or commentary tonight that you want clarified?

Mr. Zuraf: No we...in the e-mail yesterday... suggested a few conditions about additional signage such as directional signage, also at the entrance on Jones Lane to, I guess, further notify people traveling on 17 that, you know, here's an entrance to Wawa. That was a suggested additional condition that might also assist in directing people straight through the intersection as opposed to turning right.

Mr. Rhodes: Just pass the intersection if VDOT would allow it.

Mr. Zuraf: Yes, so we could add that one in as well if you wish.

Mr. Rhodes: I would mention Dr. Schwartz, I was first confused when I saw the aerial thing of just the sign going straight and then the right-hand turns but when they show the actual picture of it and you notice it actually has three different movements on that one sign. One to the left for I think Riverside...what is it River...what's the?

Mr. Apicella: First signs interstate or something.

Mr. Rhodes: Yes and then there was on to the right for McDonalds and one to the straight below that where Wawa, I think it'd almost be self-explanatory because it's doing the three arrow movements but certainly if there was another one across the intersection that couldn't hurt.

Dr. Schwartz: No, there's already a monument sign there, at that corner of Jones Lane. Are they going to be in combination or there's going to be two different signs at Jones Lane there? That's there...

Mr. Hornung: For the tenants behind the Subway...

Dr. Schwartz: ...there's already a monument lit sign for the Subway and NexCare and everything on...at the corner there of Jones Lane and 17, so we're going to put up a second sign?

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Mr. Zuraf: I'll have to look at that to see...yes it...the thought I had in my mind was a smaller...a sign much smaller than that, so it's not as large it's just a...

Mr. Rhodes: Maybe if you can consider that in light of what Dr. Schwartz said...

Mr. Zuraf: Yes.

Mr. Rhodes: I mean the applicant's been very responsive to all the other minor suggestions trying to tweak this up but I'm sure that they could come to some resolution before we get back next time. Are there any other items that folks felt that we need to clarify before we...

Mrs. Hazard: Mr. Chairman...no I mean I think that's clarifying. I think the best that helps me is, then if we can put all those...even if you have an alternative one and an alternative two on signage or something like that if you go well we could do this or this. At least we'll have them all in front of us the night for the Commission because then we can say we're going to go with 8A versus 8B. We don't have to then go through and except the information that night, vote on bringing in the proffer to delay it further...

Mr. Zuraf: Yes.

Mrs. Hazard: I would rather have sort of here...all the options and then we can sort of pick our right ones. It's just a suggestion.

Mr. Zuraf: Okay.

Mr. Rhodes: Great. With no further comments, all those in favor of the motion to defer this to the 15th of February session and try and come...so that we can back with those last final questions addressed, signify by saying Aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Apicella: Aye.

Mr. Boswell: Aye.

Dr. Schwartz: Aye.

Mr. Rhodes: Aye. Any opposed? Okay...6-0 and I think we're getting pretty close. Thank you very much. Mr. Harvey, item number 2.

2. Calendar Year Work Plan

Mr. Harvey: Thank you Mr. Chairman. Mr. Zuraf will discuss item 2, it's your Calendar Year Work Plan. Staff provided the Commission with a modified version of the Comp Plan Implementation Plan in a slightly different format to see if this was along the lines that the Commission was looking for, for

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establishing your Calendar Year Work Plan. We know that there's a number of items that were discussed at the last meeting at which we didn't add to the work plan yet, but we would have...would like to share some comments with the Commission on that.

Mr. Rhodes: Great. Any comments for staff on the...we're you going to present...walk us through it just real quick Mr. Zuraf?

Mr. Zuraf: Not too much more other than you know the... I think the chart or timeline that we gave you does provide a little more level of detail that talk about the overall process on all these different tasks that need to be done and, you know, I understand that... I think what the Commission's looking for is something more specific as to what you all are going to be having to deal with, so I think we'll need to kind of generate a more simplified list then try to estimate when certain things are going to be heading your way. So, I think we'll have to try again and come back at the next meeting with a list that is a little more simplified and I understand some of the issues are, you know, briefing on the Courthouse Road interchange, and that's, I believe, scheduled in March and so we do have that on the docket, but other items are standards for public notice, proffer guidelines, Comp Plan Implementation for additional discussion on that, a briefing on the road bond projects, and also a retreat with Dr. Chandler on briefing on Planning and Zoning, but then some other tasks may...that are within the timeline that may come up is Amendments to the TND, the Traditional Neighborhood Development Plan. We're looking to incorporate architectural design standards into that, getting into the transportation implementation plan, generating education materials as it relates to cultural resources, land conservation practices, and those types of things to distribute to the residence. Also, telecommunication facility standards and considered Ordinance Amendments on that. The Economic Development Plan is scheduled to be relooked at, so that and also the Master Environmental Plan. So, those are a few things I think we need add a few...additional items so we just need to see where that best can fit throughout the year and we will...at the next meeting provide you a...

Mr. Rhodes: Get it ready.

Mr. Zuraf: ...hopefully a complete file list that can give you some estimation on what's going to happen this year.

Mr. Rhodes: I don't know about the others, I certainly thought this was a good recap of the Implementation Plan actions and so it'll be good to see those overlaid.

Mr. Zuraf: Yes.

Mr. Rhodes: Any other comments for staff on the...this draft as far as the Work Plan from the Implementation Plan perspective or the other items he's highlighted? I heard...I went back to look at my notes and I heard you mention all the ones we brought up and then you had some good additional ones in there to add so.

Mr. Zuraf: So there's...there'll be plenty of work and so it's...

Mr. Rhodes: They won't all be as short as the agenda is tonight.

Mr. Zuraf: Yes...yes.

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Mr. Rhodes: Okay, I got it. Any other comments for staff on the Work Plan thus far? So, you'll come back with the final views as to...

Mr. Zuraf: Right.

Mr. Rhodes: ...potential or notional integrated plan next time?

Mr. Zuraf: Yes, we'll try to match up these...

Mr. Rhodes: That's great.

Mr. Zuraf: ...all these tasks with certain meetings and give you a better idea.

Mr. Rhodes: I think that's a nice layout.

Mr. Zuraf: Okay, thank you.

Mr. Rhodes: Okay, thank you Mr. Zuraf.

3. Amendment to Zoning Ordinance, Cluster Provisions - **(Time Limit: May 28, 2012) (In Planning Commission Subcommittee)**
(Authorize for Public Hearing by: April 17, 2012)
(Potential Public Hearing Date: May 16, 2012)

Mr. Rhodes: Mr. Harvey, on number 3 that's dealing with the Cluster Provisions and our subcommittee work. Have we gotten the questions out to the members...you were going to draft some questions for them to look at and start to frame some way ahead.

Mr. Harvey: Yes sir, we sent them out yesterday.

Mr. Rhodes: Okay great. So, you obviously need that information back...

Mr. Harvey: Excuse me. Mrs. Blackburn is correcting me so I'll defer to her for response.

Mr. Rhodes: Okay, very good.

Mrs. Blackburn: Mr. Chairman, Planning Commission members I'm Susan Blackburn. Hopefully, my committee members got their first e-mail last week and there was a little discussion. We also found out about a program through the Urban Land Institute and I don't know if you were going to talk about that at all this evening. Oh okay...and we did investigate possibly being able to use them to help with this whole process and we found out that the lead time was just too long. They were going to require, at which is fine, I mean it makes sense... They were going to require a six to eight weeks lead time prior to any kind of meeting or seminar that they would have for us and we just did not think, Mr. Harvey and I decided we didn't have time in this particular project to be able to utilize them, but we will keep it in our memory bank. So, if we are able to use them in a future date we will know about it

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and be able to plan accordingly, but I am hoping tonight that I may be able to get some dates for a committee meeting.

Mr. Rhodes: Have you...has the subcommittee had an opportunity to discuss or consider it all on potential meeting dates so we can advertise?

Mr. Howard: Mr. Chair, we were hoping to do that this evening at the...if we can beg the indulgence of the rest of the Commission where we can coordinate our calendar.

Mr. Rhodes: Very good, please. We have a number of other items...

Mr. Howard: Yes, it's a busy evening...no question...

Mr. Rhodes: ...we'll have the time to address that.

Mr. Howard: So we...Mr. Harvey, the legal required number of days to notify the public for this type of a meeting is how many days?

Mr. Harvey: Three days I believe.

Mr. Howard: Three days?

Mr. Harvey: Yes.

Mr. Howard: Okay. So, in all likelihood we...the first committee meeting would be I would think next week, and at the moment I have...except for Tuesday and Thursday evenings I'm pretty wide open.

Mr. Rhodes: So, I'm hearing Monday or Friday.

Mr. Howard: Monday or Friday...or I can, if need be for the first meeting, I can reschedule so whatever I have to do on the Tuesday or the Thursday to get something. Mr. Apicella.

Mr. Apicella: We've got a lot to do. I would suggest that we try to get our first meeting scheduled as soon as possible so if...

Mr. Howard: So Monday...Tuesday?

Mr. Rhodes: Monday work for you?

Mr. Howard: Or Monday?

Mr. Rhodes: Tuesday?

Mr. Apicella: Tuesday would be better.

Mr. Rhodes: Tuesday.

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Dr. Schwartz: Tuesday is not good by me.

Mr. Rhodes: Now the three...we've got to get three subcommittee members together. We can have anybody else join...that's right. Okay.

Mr. Howard: Well, the committee was going to be Mr. Apicella, Mrs. Hazard, and myself.

Mr. Rhodes: Okay...great.

Mr. Howard: And then certainly any other member can...

Mr. Rhodes: Any others can certainly attend...

Mr. Howard: ...and the public also we'd hope would attend.

Mr. Howard: So with that...Tuesdays preferable? Mrs. Blackburn is that...

Mrs. Blackburn: Tuesday is fine with me.

Mrs. Hazard: What time?

Mrs. Blackburn: Andrea?

Mr. Apicella: Can we say 6...6:30?

Mr. Howard: We can.

Mr. Apicella: Which start time works better?

Mr. Rhodes: 6:30 okay?

Mr. Howard: 6:30 is terrific. It helps us with traffic.

Mr. Rhodes: So, the first one will be Tuesday at 6:30. Okay, and now do you need the feedback from the staff's questions before then or does that?

Mrs. Blackburn: I would love to have some before that...

Mr. Rhodes: Okay.

Mrs. Blackburn: ...but if not I'm still gathering information and data that I will be able to pass out and we can go from there, but any information that you can give me can just help kind of start guiding the whole process.

Mr. Apicella: I'm curious, since we have public disclosure requirements...if we respond and there's several of us on the e-mail and there's sort of like a cog we back and forth. How would that work?

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So, if we we're to start responding, I'd say yes I think this is a good idea and somebody said no I'm not sure that's a good idea. At one point, does that itself become a meeting?

Mr. Howard: I thought...my interpretation of what we were being asked is to send an individual response. Staff could be ready to address that response for each Commissioner, no different than what we would normally do for a meeting. I could be wrong, but I thought that was Mrs. Blackburn's request of us. Not that we would engage in it back and forth.

Mrs. Blackburn: I think if I tried to relay when I sent out the first e-mail that you could tell me I received the information, you could send me more, I didn't understand this, could you explain it a little further but as far as going into great discussion over an item as far as your opinion and where you wanted to go with that I thought we needed to leave that for the committee meetings.

Mr. Apicella: I just think a fundamental question or questions that need to be asked. Are we using the existing Cluster Ordinance as a starting point at modifying it or are we starting with a brand new slate?

Mrs. Blackburn: That can be a discussion for Tuesday.

Mr. Apicella: Okay.

Mr. Howard: And is there...I know this came up, I wasn't here at the last meeting, I apologize for the fact that I just got here last this evening, but I think this has come up in terms of other municipalities and how they've handled the Cluster Subdivision and I know you'll have some examples of that as well.

Mrs. Blackburn: Yes I will.

Mr. Howard: Okay. So, that may answer that question Mr. Apicella, we may use one of their starting points.

Mr. Harvey: Mr. Chairman.

Mr. Rhodes: Yes, Mr. Harvey.

Mr. Harvey: For the Committee's information, next Tuesday is a Board of Supervisors meeting date so we will find another conference room within this building for the meeting and we'll let the committee members know and it'll be part of the press release.

Mr. Rhodes: Very good. Any other discussion on the item for this one?

Mr. Howard: Could we just get clarity on, Mr. Apicella's question from Ms. McClendon?

Ms. McClendon: Is this regarding the...

Mr. Howard: The back and forth on the e-mail.

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Ms. McClendon: Well, my understanding is that back and forth in e-mail is okay, generally when looking at the A.G.'s opinions they've looked at it. That e-mail is not as simultaneous as a phone call or a face to face conversation; they actually look at it more akin to a letter which would be okay. So, from the A.G.'s opinions that we've seen on the subject generally back and forth is okay.

Mr. Rhodes: However they have been as I understand FOIA-able certainly if there...

Mr. Howard: Absolutely.

Ms. McClendon: Definitely so...yes.

Mr. Rhodes: I know at least for mine, I've always made sure to include somebody from staff on them mainly because I'm a weasel and I figure that a way they can make sure they've kept the records properly.

Ms. McClendon: That's correct it is FOIA-able, so therefore if it's requested and it's dealing with transacting public business it would have to be, have to be turned over.

Mr. Howard: And any of our e-mails are, just in case anybody did not know that.

Mr. Apicella: So, the best way to deal with that is just to include Mrs. Blackburn in the cog doesn't make sense to me.

Mr. Rhodes: What I've always done, that way I don't have to worry about anybody...

Mr. Howard: Well, for the record though Ms. McClendon, unless it's Attorney Client Privileged all that information through the Freedom of Information Act is obtainable by anybody. Is that correct?

Ms. McClendon: That's correct. I believe it's a citizen of Virginia but I would have to check on that last portion of it.

Mr. Howard: Okay.

Ms. McClendon: That is correct for the most part. So which is why when I send things out by Attorney Client Privileged it states as such and I try to keep it...

Mr. Howard: Correct.

Ms. McClendon: ...to the Commission members and staff to keep the privilege present.

Mr. Rhodes: I would highlight just two minor housekeeping items on this. On item 3 on your agenda, it's an Amendment to the Zoning and Subdivision Ordinance...

Mrs. Blackburn: Yes.

Mr. Rhodes: ...and the authorize for public hearing by date is actually April 18th not 17th.

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Mrs. Blackburn: Yes sir.

Mr. Harvey: Yes Mr. Chairman, we'll make that correction for future agendas.

Mr. Rhodes: Is there any other discussion on this item. Certainly thank my colleagues the three who volunteered to be part of this subcommittee to work on getting us a jump start on this very important effort. Thank you.

Mrs. Blackburn: Thank you.

Mr. Rhodes: Now that takes us on to new business, which is the Annual Report Mr. Harvey, I know you gave us a copy last time and another one this time just to make sure...unless there's any concerns I think the intent is that, that is what we will be forwarding in for our Annual Report correct?

NEW BUSINESS

4. Annual Report

Mr. Harvey: That's correct if the Commission agrees that this is suitable format and content staff will forward it to the Board for their information.

Mr. Rhodes: Again, this is what we saw for the first time last session and this was intended to give us an opportunity to digest a little bit and I don't know if there are any final comments or any other concerns associated with it for...can you hand that down to Mr. Howard...for this item.

Mr. Hirons: Mr. Chairman.

Mr. Rhodes: Yes, Mr. Hirons.

Mr. Hirons: I had one thing of...interest between the, it's really not highlighted; between the Subdivision Plans that mostly we approved, I guess we approved all of these, and the reclassifications. I think it'd be interesting to somehow highlight or indicate number of dwelling units that were above...that was a net gain off of by-right if that makes sense. The subdivisions we didn't add any dwelling units off of what would have been by-right correct?

Mr. Harvey: That is correct. It's all by-right development.

Mr. Hirons: And reclassifications...I don't recall exactly, there is a Fox Chase Commons, I think we added a couple dwelling units as opposed to what would've been by-right.

Mr. Harvey: Yes, so also Clift Farm Quarter.

Mr. Hirons: Right...because what kind of jumped out at me in particular was when we talked about subdivision plan reviews we talked...you know the first line is 867 single family detached lots. To some folks reading that could be wow...you're adding 867 new homes here in Stafford County, which we're not it was by-right anyway. Does that make sense?

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Mr. Harvey: Yes.

Mr. Rhodes: Okay.

Mr. Hirons: I think that would be kind of important to highlight and report on it as well.

Mr. Harvey: So I...if the Commission so desires I could add the words "by-right" into the subdivision plans reviewed provision for 867 by-right single family detached lots, and then further down in the reclassifications I can elaborate on how many net new units there were based on Zoning change.

Mr. Hirons: I certainly would appreciate it.

Mr. Rhodes: I think that'd be fine. I think we'd be comfortable with your editorial capabilities there
Mr. Harvey.

Mr. Harvey: Yes.

Mr. Rhodes: Are there any other comments?

Mr. Howard: Mr. Chair.

Mr. Rhodes: Mr. Howard.

Mr. Howard: Is that accurate, though, so the 867 single family detached lots were all by-right?

Mr. Harvey: Yes, with subdivision plans you're looking at property that's already zoned, so any number of dwelling units would be by-right.

Mr. Howard: So, the Brentsmill Section 3, which was a Cluster Subdivision...you feel comfortable that that's not misleading in any way because of the Cluster Subdivision and how that functions in terms of increasing the density?

Mr. Harvey: It is a by-right increase if the applicant meets the criteria, they're entitled to that additional number of units.

Mr. Howard: Alright if you're comfortable with the language, and then at the end of that paragraph you would just add the net difference is what you indicated, Mr. Harvey.

Mr. Harvey: During the reclassifications sections, yes sir.

Mr. Howard: Okay. Okay right that's three paragraphs away. And I tried to look for it and it's probably in here but I thought there was an awful lot of work done on the Telecommunication Plan and I know it's in...under the public hearings where it indicates that the public hearing occurred and the transpor...the Telecommunication Plan, rather, element happened but there seemed to be a lot more that went into that, so I'm not sure if you're giving yourselves enough credit on that one...would be my comment so. It's...you have it under...it was...under public hearing.

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Mr. Rhodes: Persons of the Comprehensive Plan of the public hearings the Telecommunications Plan element and then also...

Mr. Howard: You know it certainly wasn't as big as the Comprehensive Plan itself but the Telecommunication Plan...

Mr. Harvey: Yes...

Mr. Howard: ...and I know that this is an executive summary by the way but you...I don't know what you would add to it, but I think you're not giving yourselves enough credit for the work and effort that went into that because that was long overdue. I think it was done very well and certainly you want to highlight that. That happened and ultimately is a good thing for Stafford County.

Mr. Harvey: Yes, Mr. Howard, I included...it was included by reference and also in the meetings conducted section because there's a discussion about the number of regular meetings held and then I...then it says numerous committee meetings because...

Mr. Howard: Right.

Mr. Harvey: ...it references TDR and Committee 4000.

Mr. Howard: I understand. Yes and then again I know it's an executive summary you're trying to keep it brief and you're recapping a whole years' worth of effort so. I just point that out. I'm not sure what I would add to change the wording either but...

Mr. Rhodes: It was good stuff though.

Mr. Howard: Yes, very good.

Mr. Rhodes: Any other comments? So, could I entertain a motion to approve this Annual Report for Mr. Harvey to submit with the minor editorial comments that have already been discussed?

Mr. Hirons: Mr. Chair, I would make such a motion with the edits left in his hands.

Mr. Apicella: I'll second that.

Mr. Rhodes: Motion seconded. Is there any discussion? Mr. Hirons?

Mr. Hirons: No.

Mr. Rhodes: Alright, Mr. Apicella? Anyone else? Hearing none, all those in favor signify by saying Aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

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Mr. Apicella: Aye.

Mr. Boswell: Aye.

Dr. Schwartz: Aye.

Mr. Howard: Aye.

Mr. Rhodes: Aye. Any opposed? None...7-0. Thank you very much for doing that Mr. Harvey.

Mr. Harvey: You're very welcome.

Mr. Rhodes: And now we're down...we've already passed public presentations, public hearing, Planning Director's Report.

7:30 P.M.

PUBLIC PRESENTATIONS

None

PUBLIC HEARINGS

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Well, thank you Mr. Chairman my report is very brief. As it was alluded to in the discussion about the work plan we have Mr. Northridge from the Virginia Department of Transportation's coming to the Planning Commission on March 7th to give a presentation on this Courthouse Road interchange. That was a request the Commission had made and that concludes my report.

Mr. Rhodes: Thank you very much Mr. Harvey. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I have no report at this time Mr. Chairman.

Mr. Rhodes: Thank you ma'am. Any other committee reports? We talked about the Cluster Subcommittee, I think we did that as a whole. No others? I have nothing additional to report that I can recall...no. Okay...TRC information. The meeting's cancelled on the 8th but I did see where there are two sessions scheduled for the 22nd, and I think Mr. Boswell is going to the first one at 8:30 it's in his district and Mrs. Hazard will be going to the 2nd one at 9:30 in her district and we will work to get them the information.

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COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

5. TRC Information - Meeting Cancelled February 8, 2012

Mrs. Hornung: Right, Mr. Chairman I was just going to bring it to you at your next meeting and give it to you a week ahead of time, so you wouldn't have everything...

Mr. Rhodes: That'd be wonderful.

Mrs. Hornung: ...two weeks ahead. So, by the next meeting I was going to update you on that.

Mr. Rhodes: Thank you very much.

Mrs. Hornung: You're welcome.

Mr. Rhodes: Thank you. Okay, we didn't have minutes this one...no okay. Anyone else? Surly we can make it to 8:20...no okay. I guess we are adjourned, thank you very much.

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 8:18 p.m.